

**REMARKS**

With this Amendment, Applicants add new Claims 194-207. Therefore, Claims 168-207 are all the claims currently pending in this Application.

**Figures**

The Examiner objects to Figures 8-10 and 11A-11E. With this Amendment, Applicants amend Figures 8-10 and 11A-11E to include a “Related Art” label.

Therefore, Applicants respectfully request that the objection to these figures be reconsidered and withdrawn.

**Claim Objections**

The Examiner objects to Claims 170, 173, 183, and 185 due to the use of the phrase “standard transmission mode,” when the specification refers to a “normal transmission mode.” Therefore, with this Amendment, Applicants amend Claims 170, 173, 183, and 185 as shown. Applicants respectfully submit that these amendments are not intended to narrow the scope of the claims, but are rather for precision of language and to explicitly recite within the claims what was believed to have already been implicitly defined therein.

Applicants respectfully request that the objection to Claims 170, 173, 183, and 185 be reconsidered and withdrawn.

**Claim Rejections**

Claims 168, 171, 174, 186, and 189 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Marchetto (U.S. Patent No. 5,513,215), in view of Hayashi (U.S. Patent No. 6,069,884). Claims 169, 172, 175, 180-182, 184, 187, 190, 192, and 193 stand rejected under 35

U.S.C. § 103(a) as allegedly unpatentable over Marchetto, in view of Hayashi and Applicants' admitted prior art (AAPA). Claims 176, 179, 188, and 191 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Marchetto, in view of Hayashi and Heida.

**Claims 168, 171, 174, 177, 186, and 189.** With this Amendment, Applicants amend independent Claims 168, 171, 174, 177, 186, and 189 to include the limitation that inter-frequency measurement is performed during the vacant period in the transmission from the base station to the mobile station. This limitation is clearly supported in the originally-filed specification at least at the first full paragraph of page 24, the first full paragraph of page 25, the first full paragraph of page 28, the paragraph bridging pages 29 and 30, and the paragraph bridging pages 31 and 32.

Regarding the rejection of Claims 168, 171, 174, 177, 186, and 189, Applicants submit that neither Marchetto, nor Hayashi, nor any reasonable combination thereof teaches or suggests performing inter-frequency measurement during a vacant period, as claimed.

Therefore, Applicants respectfully request that the rejection of Claims 168, 171, 174, 177, 186, and 189 be reconsidered and withdrawn.

**Claims 169, 172, 175, 178, 180-182, 184, 187, 190, 192, and 193.** Regarding the rejection of Claims 169, 172, 175, 178, 180-182, 184, 187, 190, 192, and 193 over Marchetto, Hayashi, and AAPA, Applicants submit that one of ordinary skill in the art at the time of the present invention would not have been motivated to combine Marchetto and AAPA (*see also* Applicant's 1.114(c) Amendment of October 12, 2005).

As noted in the 1.114(c) Amendment, Marchetto describes that the poor reception quality experienced by the receiver is due to the overlapping of transmissions which have been received via varying transmission paths either because the transmissions are from more than one transmitter or because the transmission from a single transmitter has followed multiple paths prior to reception. There is no teaching or suggestion in Marchetto that a transmission power adjustment by a transmitter, as taught by AAPA and the present invention, would improve the reception quality at the receiver. Further, Marchetto teaches that the transmitters are “simulcasting” transmissions to a number of receivers at various locations simultaneously. Therefore, any adjustment of the transmission power of a transmitter due to the poor reception at a single receiver would likely adversely affect the reception quality of another receiver at a different location.

The Examiner has failed to respond specifically to this argument in the current Office Action. Therefore, Applicants again submit that Claims 169, 172, 175, 178, 180-182, 184, 187, 190, 192, and 193 are patentable for at least these reasons. Applicants respectfully request that the Examiner specifically respond to this argument and reconsider and withdraw the rejection of Claims 169, 172, 175, 178, 180-182, 184, 187, 190, 192, and 193.

**Claims 176, 179, 188, and 191.** Regarding the rejection of these claims, Applicants submit that the cited combination of references fails to teach or suggest a notification from a mobile station to a base station to enter into a transmission mode having a vacant period, as recited.

The Examiner refers to Heida as teaching this limitation (Office Action, p. 10). Specifically, the Examiner asserts that Figure 16 (packets 21, 22, CTS packet, data packet) and col. 2, lines 52-56 of Heida teach the claimed notification. However, Figure 16 and the accompanying description do not teach or suggest the claimed notification. Figure 16 illustrates two conventional communication methods for obtaining transmission right in a system where two or more apparatuses transmit and receive information on a shared communication medium. According to each of the two methods, an apparatus (apparatus A) with data to transmit to another apparatus (apparatus B) transmits a "Request to Send" (RTS) packet 20 to apparatus B. Apparatus B receives the RTS packet, determines if the RTS packet is intended for apparatus B and transmits a "Clear to Send" (CTS) packet 21 back to apparatus A. Apparatus A receives the CTS packet, it transmits the data packet 22 to apparatus B. Apparatus B may then transmit an "Acknowledgement" (ACK) packet to apparatus A. There is no teaching or suggestion of any notification to enter into a transmission mode having a vacant period. Rather, the RTS packet is merely a notification that there is data to be sent, and the CTS packet is merely a notification that the receiving apparatus is prepared to receive data.

Therefore, Applicants submit that Claims 176, 179, 188, and 191 are patentable over any reasonable combination of the cited art and respectfully request that the rejection of these claims be reconsidered and withdrawn.

**New Claims**

**Claims 194-199.** With this Amendment, Applicants add new Claims 194-199 which recite the limitation that the mobile station performs inter-frequency measurement during the

vacant period in the transmission received from the base station. New Claims 194-199 depend from Claims 180, 181, 182, 184, 192, and 193. These new claims are supported in the originally-filed specification at least at the first full paragraph of page 24, the first full paragraph of page 25, the first full paragraph of page 28, the paragraph bridging pages 29 and 30; and the paragraph bridging pages 31 and 32. Applicants submit that these claims are patentable at least by virtue of their dependence on Claims 180, 181, 182, 184, 192, and 193, and further for those reasons set forth above with respect to Claims 168, 171, 174, 177, 186, and 189. Applicants respectfully request the entry and allowance of Claims 194-199.

**Claims 200-205.** With this Amendment, Applicants add new Claims 200-205 which recite the limitation of a pilot signal in a data transmission prior to the vacant period, such that an end of the pilot signal is contiguous with a beginning of the vacant period. New Claims 200-205 depend from Claims 171, 177, 181, 184, 189, and 193. These new claims are supported in the originally-filed specification at least at the second full paragraph of page 28. Applicants submit that these claims are patentable at least by virtue of their dependence on Claims 171, 177, 181, 184, 189, and 193, and respectfully request the entry and allowance of Claims 200-205.

**Claims 206-207.** With this Amendment, Applicants add new Claims 206 and 207 which recite the limitation that the inter-frequency measurement is performed by the mobile station. New Claims 206 and 207 depend from Claims 168 and 171, respectively. These new claims are supported in the originally-filed specification at least at the first full paragraph of page 24, the first full paragraph of page 25, the first full paragraph of page 28, the paragraph bridging pages 29 and 30, and the paragraph bridging pages 31 and 32. Applicants submit that these claims are

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patentable at least by virtue of their dependence on Claims 168 and 171, and respectfully request the entry and allowance of Claims 206 and 207.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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